



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

JOSEPH GUTMANN
Assistant Corporation Counsel
phone: (212) 356-2659
fax: (212) 356-3509
email: jgutmann@law.nyc.gov

February 18, 2016

VIA ECF

Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: DeLeon v. Pichardo, et al.,
15-CV-9804 (SAS)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. I write in opposition to plaintiff's February 18, 2016 letter requesting that the Court remove the instant matter from the "1983 Plan." The undersigned contacted plaintiff's counsel at 1:25 p.m. on February 18, 2016, prior to the filing of plaintiff's motion, to inform him that this office expressly did not consent to plaintiff's motion on the grounds that the "1983 Plan" is now SDNY Local Civil Rule 83.10, and that the rules of the Court should not be ignored simply because plaintiff believes this action to be a "straightforward case." This office's position has not changed since that time. Furthermore, this office notes that the two named defendants were allegedly only served two days prior to plaintiff's application. Their answer, even assuming *arguendo* that they have been properly served, is therefore not yet close to being due and this office cannot make representations on the defendants' behalf regarding the amount of discovery and the length of a potential trial. As such, this office does not consent to plaintiff's motion and requests that it be denied in its entirety.

Respectfully submitted,

/s/

Joseph Gutmann
Assistant Corporation Counsel

cc: VIA ECF
Vik Pawar, Esq.